













SUPREME COURT—CIVIL SIDE.

NOVEMBER 23.

BEFORE HIS HONOR MR. JUSTICE WILLIAMS.

A. GOLDEN v. WILLIAMS.

This was an action of trespass for assault and battery. The damages were laid at £1000. The defendant pleaded the general issue. Mr. Barry Laving opened the case for the plaintiff. Mr. Williams proceeded to call the case to the jury, from which it appeared that on the 12th of July last, the defendant, in company with Messrs. Strong and Forster, went to the station of the Murrumbidgee, where a disturbance took place. The defendant calling the plaintiff a "liar" and a "black-guard"—and then committed the assault upon the plaintiff. Several of the plaintiff's servants were then called to put the defendant and his friends out of the hut. Witnesses were called who fully established these facts; and the jury after retiring for about five minutes, came into court and returned a verdict for the plaintiff, damages £500. Counsel for the plaintiff, Mr. Williams and Mr. Barry, Attorney, Mr. H. F. Turner; for defendant, Mr. Crooke; Attorneys, Messrs. Sewell and Potholchwaite. His Honor refused to certify for a special jury.

Before the first witness was called—

His Honor took up an old note book, and said, "Mr. Williams, I hold in my hand the notes of an action of assault, which were tried before me in Sydney. I mean the cases of *Hogue v. Carrington*, in which the damages were laid at £1000, but a verdict for the defendant was returned by the jury. The other case was one which caused great excitement at the time; I mean that of *Murphy v. Kincaid*; but I will not mention that case, as it was not tried in this case, although Mr. Barry came to me and asked how he could legally pay the damages. I will, however, take this opportunity of mentioning the use my mind has been put to, in another case, by a gentleman and an honorable member of this bar (I mean the Hon. James Erskine Murray), who has taken advantage of a letter I wrote to him, 'in my private,' and which was accompanied by a statement of the facts, in which was a report of a meeting of Licensing Justices in Sydney, wherein the A—G—G (meaning, no doubt, the Attorney-General of New South Wales) is said to have made a speech in which language had been used that might tend to mislead any editor of a newspaper, particularly a young man, with regard to publishing libellous matter. I want this paper to Mr. Murray, thinking that he could urge from it would be very favourable in mitigation of the sentences about to be passed upon his client, Mr. Arden. This letter, which was marked 'private,' was shown to Mr. Barry, the present Attorney-General, and made the subject of an official complaint against me. Now, I do not care to say what I said in a question hereafter, but for a barrister who has been guilty of such conduct as is entitled to be listened to in future at this bar."

The Hon. Mr. Murray rose and said, he hoped his Honor would allow him to explain the matter.

Judge Williams.—Pray do not interrupt the case, Mr. Murray.

Hon. Mr. Murray.—But your Honor has interrupted for the purpose of making this charge against me; and I beg you will allow me to reply to the charge which your Honor has brought forward in such strong language.

Judge Williams.—Let the case go on, sir, and after it is over, I shall be happy to hear what you have to say. But I think, at present, it is the conduct of a barrister and a gentleman to act in the manner you have done, in taking advantage of my private note, which had been sent you with a newspaper to urge certain matter for the benefit of your client; and had you not read that paper, I should have done so, and also have taken it into consideration in my sentence upon Mr. Arden, which I did, and other matters that were not urged—I mean the ill-effects of the party, and his insolvent circumstances. It is such conduct, Mr. Williams, that makes me chary of giving any notes to a barrister in future, though I do not think you would, Mr. Williams, have acted in that manner.

Hon. Mr. Murray.—I am quite sure I shall be able to explain everything, if not to your Honor's satisfaction, at all events to the satisfaction of my friends. The matter here dropped, and the trial of the case then proceeded. After the jury had retired to consider their verdict—

Judge Williams said, in addressing Mr. Murray, now, Sir, I am very glad to hear what you have to say.

Hon. Mr. Murray.—Your Honor, the charge you have made against me was made publicly before the gentlemen of the jury, amongst whom are some of my most intimate friends; I would, therefore, prefer waiting till their return, in order that my explanation may be made as public as the charge.

The jury having returned into court, Judge Williams said Mr. Murray had acted improperly in using a private letter which had been sent him; he should now like an explanation.

Hon. Mr. Murray.—Your Honor has attributed conduct to me unbecoming the conduct of a barrister and a gentleman, and that I have made improper use of a private communication sent me by your Honor. I feel most deeply that your Honor should bring such a serious charge against me, which every man might regret, and which has given me the greatest possible concern.

Judge Williams.—I hope it has !!!

Hon. Mr. Murray.—Indeed it has; and I trust your Honor will allow me to proceed without interruption. Ever since I came to this colony, I have refrained from mixing myself up in the confusions and broils which have taken place here, with regard to the administration of justice.

Judge Williams.—Will you confine yourself to the fact of having made use of the private letter given you by the judge, for a certain purpose.

Hon. Mr. Murray.—I am coming to the facts, your Honor; and I must beg again that you will not interrupt me in giving my explanation. I never, since my arrival in this colony, have spoken one word against your Honor out of this court which I would not repeat within it.

Judge Williams then read the copy of the letter which had been addressed to Mr. Murray, marked private, and said, I care not whether you have or have not said anything against me. Here is a barrister making use of a private letter, and making it a subject of conversation against me. What have you to say to that?

The Hon. Mr. Murray.—I am now going to advert to that. It is not my intention to conceal anything, and I again beg as a particular favour that your Honor will allow me to proceed without interruption. I again repeat I always endeavored to keep clear from those libel cases from the very

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An idle story got into circulation at Paris, of a detected conspiracy for carrying off the Duke of Nemours, d'Aumale, and Montpensier, as well as the Prince de Joinville. It was said that several persons were consequently arrested, and that the Duke of Nemours had been thrown into a state of considerable agitation. This, however, who knew the working of the passport and police system in France, as well as the activity and vigilance of the telegraphs in all relating to the royal family, are aware that no such conspiracy could possibly succeed.

The Regency Bill has been introduced into the Chamber of Deputies. Its provisions are simple and effective, and we entertain no doubt that they will obtain the support of a majority of the Chamber. The king is of age at eighteen; the Regent, in the event of the death of the reigning monarch, will be the next heir to the throne, provided he is twenty-one years of age; the Regent will have all the powers, privileges, and prerogatives of the king; the king, by the constitutional charter. None of the provisions can be reasonably objected to. The Legitimists and Republicans will, doubtless, seek to introduce the principle of the convocation of the States-General into the discussion of this measure, and will speak of "an appeal to the country." But it is not France appealed to through her Chambers! The monarchy and democracy are represented by both; and any other appeal would be unwise, and certainly unconstitutional. On the presentation of the bill to the Chamber of Deputies, by Marshal Soult, he delivered an introductory speech, which may be thus epitomized. The object of the bill was to lay down a fixed principle relative to the King's majority, and to provide for the exercise and maintenance of the royal authority during his minority, the constitutional charter embracing no enactment upon the subject. With respect to the majority, the views of the constituent assembly and of the empire had been adopted. At the age of fourteen the exercise of the royal power would be nominal in the King's hands. At eighteen the monarch would be considered able to fulfil the duties imposed upon him by the constitution. The security of the state required that the delegation of the royal power should be placed in male hands, but if the temporary exercise of royalty were to the nearest male relative in the order of succession, other rights and interests would not, therefore, be overlooked. The safe keeping and guarding of the king, whilst under age, are reserved by the bill to the queen or princess his mother, or in default thereof, to the queen or princess his paternal grandmother. In this way the royal infant will grow up surrounded with his mother's tenderness and vigilance, whilst the rights of the crown shall be confided to hands more interested in de-

RESUME OF FOREIGN NEWS.

It has been long felt that in spite of the vast pains and large expenditure incurred by the Press, with reference to printing and publishing foreign intelligence, the news when published is presented in so dry and uninteresting a form as not to excite curiosity or gratify the taste of the general reader, and it has been thought that a narrative of the foreign events of the week, collected with care and discernment, and as well accompanied by explanatory notes and biographical sketches of the leading men in Europe and America, might not be uninteresting to the public. A very able man once proposed to teach "history by pictures," and he collected a large number of curious and well-chosen engravings for the purpose. Now, that which he proposed to effect by way of pictures, with regard to history, the *Atlas* hopes to accomplish by sketches and narratives, with regard to foreign politics and events. Thus this portion of the paper will, it is hoped, prove most of its interest, and the various interesting features. We begin with France.

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